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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MILDRED KATZ,

Defendant.

Adv. Pro. No. 10-04807 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF ADVERSARY
PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and Mildred Katz (“Defendant”), by and through her counsel, Davidoff Hutcher & Citron LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed and served the Complaint against Defendant. The Trustee filed an Amended Complaint against Defendant on January 4, 2012.

2. On December 14, 2011, Defendant served an answer to the Complaint on the Trustee. Defendant filed an answer to the Amended Complaint on January 25, 2012.

3. On October 6, 2014, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order entered by this Court on November 12, 2010 [ECF. No. 3181 in Adv. Pro. No. 08-01789 (SMB)], whereby they settled the Trustee’s claims for the transfers made by BLMIS within two years of December 11, 2008 (the “Two Year Transfers”) and agreed to stay this proceeding with respect to transfers made by BLMIS prior to December 11, 2006 (the “Non-Two Year Transfers”) until a final, non-appealable order was issued with respect to an appeal pending in the United States Court of Appeals for the Second Circuit with respect to the Non-Two Year Transfers (the “546(e) Appeal”) [ECF. No. 29 in this adversary proceeding].

4. A final, non-appealable order has now been entered with respect to the 546(e) Appeal and the Parties have agreed to dismiss this adversary proceeding with prejudice and without costs to either the Trustee or the Defendant in accordance with their settlement agreement.

5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendant in the above-captioned adversary proceeding and dismissing the adversary proceeding without costs to the Trustee or Defendant.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: July 2, 2015

Of Counsel:

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Attorneys for Defendant

SO ORDERED

Dated: July 6th, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE